

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:04CR3033
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
CLARENCE J. GRENDahl,)	
)	
Defendant.)	

The defendant in this criminal case has filed a suggestion in bankruptcy (filing 49) asking that “any proceedings” in this case be “stayed” until further disposition of the defendant’s Chapter 7 proceedings. Pursuant to judgment entered on November 22, 2004, the defendant entered the FPC in Yankton, South Dakota, on January 18, 2005, for a term of 120 months, followed by supervised release and payment of \$6,636.53 in restitution and a special assessment. (Filings 47 & 48.)

While a district court may “refer to the bankruptcy court questions about restitution, forfeiture of assets which may be property of the bankruptcy estate, or other pecuniary penalties,” the defendant has failed to file a brief in support of his suggestion in bankruptcy stating “concisely the reasons for the motion and cit[ing] the authorities relied upon.” NEGenR 1.5(a)(2); NECivR 7.1(a)(1). This being a criminal matter, the defendant’s suggestion in bankruptcy alone is not sufficient to explain why this matter should be referred to the bankruptcy court and what issues need to be addressed. I shall therefore deny the defendant’s suggestion in bankruptcy for failure to file a supporting brief. NECivR 7.1(a)(1)(B) (“Should be court conclude that the motion raises a substantial issue of law, . . . it may treat a party’s failure to file a brief as an abandonment of the motion.”).

IT IS ORDERED that the defendant’s suggestion in bankruptcy (filing 49) is denied.

August 30, 2005.

BY THE COURT:
s/ *Richard G. Kopf*
United States District Judge